IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the May 08th, 2006

Criminal Misc. Bail Application No.328 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Jalish S/o Sri Jamin Turk
R/o Nai Basti, Goolar Ghatti
P.S. Ramnagar, District Nainital ….. Applicant

Versus

State of Uttaranchal ….. Opposite Party

Arising out of case crime No.253 of 2006
Under Sections 302 IPC
P.S. Ramnagar
District Nainital

Hon'ble J.C.S. Rawat, J.

Heard Smt. Pushpa Joshi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The incident took place on 11.02.2006 at about 8pm at a crowded place i.w. Bhawani Ganj, Ramnagar. The report to that effect was lodged at 8:30pm to the police station and there is a distance of 1½ furlong between the police station and the place of incident. The applicant was not named in the FIR. It was further alleged in the FIR that Pramanand Sharma (deceased) was standing near the shop belonging to the wife of the deceased. When the informant-Santosh Tiwari was closing the doors of the shop, he heard the sound of two gunshots. The informant saw the deceased lying on the ground and the culprit running away from the scene. The informant could identify the accused when they were running from the place of incident. The deceased has sustained the gunshot injuries. At about 9:30pm, the applicant was apprehended from a place which is 100 metre away from the place of incident. It is also alleged in the statement of Annu @ Anil that he saw the incident and he himself took the injured to the hospital. The statement of the present applicant was recorded on the next day i.e. 12.02.2006. The case rests upon the direct 44ts, contentions and totality of the circumstances of the case,

it is not a fit case for bail. Therefore, the bail application is hereby rejected. Rejected.

(J. C. S. Rawat, J.)

Dated 08.05 .2006

LSR